

The Honorable Ronald B. Leighton

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLAYTON HOFFMAN,

Plaintiff,

v.

CITY OF TACOMA, DEPARTMENT OF
TACOMA PUBLIC UTILITIES, TACOMA
RAIL, a municipal corporation;

Defendants and Third
Party Plaintiffs,

v.

PORT OF TACOMA, a municipal
corporation,

Third Party Defendant.

Case No. C06-5008 RBL

**STIPULATION OF DISMISSAL AND
ORDER**

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER
CASE NO. C05-5008 RBL - Page 1

ROSSI, COX, VUCINOVICH P.C.

PROFESSIONAL CORPORATION
10900 NE 8th Street, Suite 1122
Bellevue, Washington 98004-4456
(425) 646-8003

COMES NOW Plaintiff Clayton Hoffman, by and through his attorneys of record;
Defendant City of Tacoma, Department of Tacoma Public Utilities, Tacoma Rail, by and
through its attorneys of record; and Third-Party Defendant Port of Tacoma, by and through its
attorneys of record, and stipulate as follows:

WHEREAS, Plaintiff has entered into a settlement agreement with Third-Party
Defendant Port of Tacoma;

WHEREAS, on January 29, 2007, this Court issued an Order Approving
Reasonableness of Settlement Between Plaintiff Hoffman and Third-Party Defendant Port of
Tacoma;

WHEREAS, this Court on issuance of an Order Approving Reasonableness of
Settlement Between Plaintiff Hoffman and Third-Party Defendant Port of Tacoma dismissed
Tacoma Rail's claim against Port of Tacoma for indemnity and contribution.

NOW, THEREFORE, it is hereby stipulated by and between said parties, by and
through their respective attorneys of record, that the above-entitled action, may be dismissed
without prejudice, excepting Tacoma Rail's claim against Port of Tacoma for indemnity and
contribution, which is dismissed **with prejudice**, however, Tacoma Rail's claim against Port of
Tacoma is dismissed **without prejudice**, upon order of the Court and consistent with the

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER
CASE NO. C05-5008 RBL - Page 2

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3 Court's aforementioned Order of January 29, 2007, and without imposition of costs by the
4 Court to any party.

5 SO STIPULATED this 1st day of February, 2007.
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7 /s/ _____
8 Bahareh Samanian
9 Attorney for Plaintiff Clayton Hoffman
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11 SO STIPULATED this 1st day of February, 2007.
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13 /s/ _____
14 Margaret A. Elofson
15 Attorney for Defendant City of Tacoma, Defendant Tacoma Public Utilities, and Tacoma Rail

16 SO STIPULATED this 1st day of February, 2007.
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18 /s/ _____
19 Sarah L. Lee
20 Attorney for Third Party Defendant Port of Tacoma
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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER
CASE NO. C05-5008 RBL - Page 3

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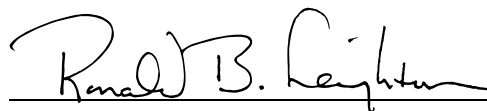
ORDER OF DISMISSAL

THIS MATTER having come on regularly for hearing upon the foregoing stipulation of the parties for an order of dismissal, and the court being otherwise fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED, that the above-entitled action be and it hereby is dismissed **without prejudice** and without costs to any party.

IT IS FURTHER HEREBY ORDERED, that Tacoma Rail's claim against Port of Tacoma for indemnity and contribution is dismissed **with prejudice** and Tacoma Rail's claim against Port of Tacoma is dismissed **without prejudice**.

DATED this 2nd day of February, 2007.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER
CASE NO. C05-5008 RBL - Page 4

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SUBMITTED BY:

/s/ _____
Bahareh Samanian
Attorney for Plaintiff Clayton Hoffman

/s/ _____
Margaret A. Elofson
Attorney for Defendant City of Tacoma, Defendant Tacoma Public Utilities,
and Tacoma Rail

/s/ _____
Sarah L. Lee
Attorney for Third Party Defendant Port of Tacoma

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER
CASE NO. C05-5008 RBL - Page 5